

FOR YOUR INFORMATION

Section 1018 of Title X and the Disclosure Rule



Are you looking to buy, sell, or rent a home or apartment in the near future? If so, you may need to be aware of the Section 1018 Disclosure Rule. The purpose of the Section 1018 Disclosure Rule is to protect families from lead exposure from paint, dust, and soil.

Section 1018 of Title X required the Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) to write a rule that would require sellers and landlords to disclose all known information on lead-based paint and lead-based paint hazards to potential buyers or renters before the sale or lease of most housing built before 1978. The rule will help inform about 9 million renters and 3 million home buyers each year. This rule will be Federally administered and will act as a complement to the disclosure requirements that already exist in some states.

WHAT DOES THE RULE SAY?

- Sellers and landlords must disclose known lead-based paint hazards and provide available reports to buyers or renters.
- Sellers and landlords must give buyers and renters the pamphlet, developed by EPA, HUD and the Consumer Product Safety Commission (CPSC), titled *Protect Your Family from Lead in your Home*.
- Home buyers will have a 10-day period to conduct a lead-based paint inspection or risk assessment at their own expense.
- Sales contracts and leasing agreements must include certain notification and disclosure language.
- Sellers, lessors, and real estate agents share responsibility for ensuring compliance.
- Does not require any testing or removal of lead-based paint by sellers or landlords.
- Does not invalidate existing leasing and sales contracts.

WHAT TYPE OF HOUSING IS COVERED?

- Most private housing, public housing, Federally-owned housing, and housing receiving Federal assistance built prior to 1978.

WHAT TYPE OF HOUSING IS NOT COVERED?

- Housing built after 1977 (CPSC banned the use of lead-based paint in 1978).
- Zero-bedroom units such as efficiencies, lofts, and dormitories.
- Leases for less than 100 days, such as vacation houses or short-term rentals.
- Housing for the elderly and handicapped (unless children under six live there).
- Rental housing that has been inspected by an inspector that has completed an EPA-certified training program or an EPA-approved state program and found to be free of lead-based paint.
- Foreclosure sales.

WHEN DOES THE RULE BECOME EFFECTIVE?

- For owners of more than 4 dwelling units, the effective date is September 6, 1996.
- For owners of 4 or fewer dwelling units, the effective date is December 6, 1996.

If you have any additional questions or would like to obtain a copy of the EPA Section 1018 Disclosure Rule pamphlet "Protect Your Family from Lead in Your Home", please call the Lead Program of the Louisiana Department of Environmental Quality, Registrations and Certifications at (225) 219-3023, or write to us at LDEQ Registrations and Certifications Lead Program; P.O. Box 4313; Baton Rouge, LA 70821-4313.